

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: February 3, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: LAW ENFORCEMENT-RELATED INJURY 010-19 FOR 2/18/20
CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Southeast	4/8/19	5:29 a.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Gonzalez, O./Sgt. I	14 years, 1 month
Jenkins, A./PO III	10 years
Lucas, H./PO II	2 years, 3 months
Rareba, S./PO II	2 years, 8 months
Cruz, A./PO I	8 months
Esparza-Ramirez, D./PO I	1 year, 3 months

Total Involved Officer(s)

1 x Sgt. I
1 x PO III
2 x PO II
2 x PO I

<u>Suspect(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Juan Carlos Romero: Hispanic Male, 45 years of age.

COP Recommendations

Tactics – Tactical Debrief, Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Lucas, and Cruz.

Drawing/Exhibiting – In Policy, No Further Action, Officer Esparza-Ramirez.

Non-Lethal Use of Force – In Policy, No Further Action, Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Lucas, and Cruz.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis

Southeast Patrol Division uniformed police officers responded to a radio call of a man with a knife and under the influence of narcotics. Officers located the suspect, who appeared to be under the influence of narcotics and hallucinating. The suspect failed to follow commands, took his clothes off, and the officers used physical force to take the suspect into custody. The suspect was later admitted to the hospital for rhabdomyolysis, resulting in a Law Enforcement Related Injury (LERI).¹

Annotated Force Investigation Division (FID) Incident Summary²

On April 8, 2019, at approximately 0517 hours, Witness Damani Atiba was in the kitchen at 10465 South Figueroa Street with several other residents when one of the residents, Juan Romero, burst into the kitchen, wearing only a pair of plaid shorts.

Note: The location of the incident was the Figueroa House, located at 10465 South Figueroa Street in Los Angeles. The Figueroa House provides transitional housing and sober living accommodations to homeless individuals and clients under the Assembly Bill (AB) 109 with the Department of Probation. Atiba was the night manager for the Figueroa House.

According to Atiba, when Romero burst into the kitchen, he grabbed a butter knife off the table and held (sic) by his side. Atiba stated that Romero did not brandish the knife at him, but Atiba did feel threatened because Romero wasn't immediately following his commands to drop the knife. Romero would drop the knife momentarily before picking it up again.

Atiba had been trying to keep Romero out of the kitchen because of his erratic behavior beginning the previous evening. According to Atiba, beginning the evening of April 7, 2019, Romero had been running in a circle in the courtyard area, flailing his arms, yelling incoherently. This led Atiba to believe that Romero was under the influence of narcotics. Based on Romero's behavior, Atiba called 911 to report the incident. (Investigators' Note No. 1)

¹ Rhabdomyolysis is the rapid destruction of skeletal muscle. Some causes include medications, extreme physical activity, drug or alcohol intoxication, electrolyte imbalances, viruses, infection, severe hypothyroidism and more.

² The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

Surveillance video at the location captured Romero pacing back and forth, repeatedly placing his hands down the front and back of his shorts, and appeared to be covered in sweat. Romero picked up a butter knife with his left hand and held it down at his side for a moment before throwing it on the table. Romero continued to pace back and forth for several moments before picking up another butter knife in his left hand, again holding it at a downward angle while he paced back and forth.



Still photo from Figueroa House surveillance video.

At approximately 0521:43 hours, Communications Division (CD) broadcast on Southeast Frequency, "Southeast units, a 415 man with a knife at 10465 South Figueroa, 10465 South Figueroa Street, in the kitchen area, a male Hispanic, no shirt, blue shorts, armed with a butter knife, 390 and under narcotics, Code 3, Incident 631, RD 1841."

Southeast Patrol Division uniformed Police Officer II Siriboto Rareba, Serial No. 42247, passenger, and Police Officer I Diego Esparza-Ramirez, Serial No. 43401, driver, assigned Unit 18A49 watch 3, advised CD they would respond to the call from Southeast Station. The officers were equipped with Body Worn Video (BWW) cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white sport utility patrol vehicle, Shop No. 81415, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWW and DICVS were activated.³

Communications Division broadcast that 18A49 would be responding Code 3 from Southeast Station to 10465 South Figueroa Street and queried the unit if they were

³ Police Officer II Siriboto Rareba, 2 years, 8 months with the Department, 5'08" tall, 195 pounds, 29 years of age. Police Officer I Diego Esparza-Ramirez, 1 year 3 months with the Department, 5'9" tall, 200 pounds, 23 years of age. Both officers were wearing body armor and had Department-approved handguns, handcuffs, Oleoresin Capsicum (OC) spray, Hobble Restraint Devices (HRD), collapsible batons, and TASERs attached to their Sam Browne equipment belts. Both officers had side-handle batons in their police vehicle. According to Officers Rareba and Esparza-Ramirez, they had worked together three days. At the start of their shifts, and throughout their time working together on an on-going basis, they discussed tactical scenarios, contact and cover roles, and dealing with suspects armed with edged weapons.

Code Sam equipped.⁴ Officer Esparza-Ramirez responded that they were Code Sam equipped. Communications Division then broadcast a request for any Southeast supervisor to respond with 18A49, and Southeast Patrol Division uniformed Sergeant I Osvaldo Gonzalez, Serial No 37435, Unit 18L70 watch 3, broadcast that he would be responding to the call.

Note: According to Officer Rareba, Sergeant Gonzalez advised him he would also be responding to the call at 10465 South Figueroa Street. Sergeant Gonzalez left Southeast Station shortly after 18A49.

Officer Rareba's BWV captured him reading the comments of the call from the Mobile Digital Computer (MDC) and discussing tactics with Officer Esparza-Ramirez while enroute to the call. Officer Rareba stated that they could deploy the 40 millimeter less-lethal launcher as an option if the suspect still had the knife. Officer Esparza-Ramirez would be tasked with less lethal and Officer Rareba would be tasked with lethal. In the event that they had to go "hands on," Officer Rareba would take the lead.

Upon arrival, Officer Rareba broadcast that they were Code Six. Officer Esparza-Ramirez parked their vehicle facing northbound on the west side of Figueroa Street south of the entrance of the Figueroa House. Officer Rareba retrieved the 40 millimeter less-lethal launcher and his PR-24 baton from the front of their vehicle. He inserted a 40 millimeter less-lethal round in the chamber of the launcher as they approached the entrance of the complex.

According to Officer Esparza-Ramirez, as they approached the location, there were already people outside stating, "He's in there. He's crazy. He's in the kitchen." According to Officer Esparza-Ramirez, he ended up switching roles of lethal and less lethal because, "I thought, all right, this guy's in there. He's armed. We need to -- we need to handle this situation now. So at that point we switched roles."⁵ Officer Esparza-Ramirez then unholstered his pistol because he believed the suspect may be armed, and the situation may escalate to the use of deadly force if the suspect was armed with a knife and charged at him. Officer Esparza-Ramirez held the pistol in his right hand with his finger along the frame with the muzzle pointed down at his side as he entered the interior courtyard, followed by Officer Rareba.

Immediately to the left upon entering the courtyard was the open door to the kitchen. Officer Esparza-Ramirez looked through the open west facing doorway of the kitchen and observed Romero standing inside. Romero was not holding a knife; however, he was putting his hands in his shorts, alternately grasping his crotch and chest areas with his hands.

Note: Officer Esparza-Ramirez recalled Romero reaching into his pockets. His BWV captured Romero reaching into waistband.

⁴ Code Sam is the radio code used to broadcast a request for a beanbag shotgun or 40 millimeter less-lethal launcher.

⁵ Esparza-Ramirez, Page 7, Lines 20-23.

Officer Esparza-Ramirez pointed his pistol at Romero with a two-handed grip, his finger still along the frame, and ordered him to take his hands out of his pockets. Officer Rareba took cover behind the left door jamb and held the 40 millimeter less-lethal launcher at a low-ready position, while Officer Esparza-Ramirez was positioned to the right side of the door.

Romero looked around, rotated his body clockwise and quickly sidestepped towards the officers while grasping his crotch area outside his shorts. According to Officer Rareba, Romero closed to within approximately three feet of them, at which point they redeployed backwards into the courtyard to maintain distance from Romero and to give them more time to deal with him.

Once outside in the courtyard, officers triangulated Romero, with Officer Esparza-Ramirez on the right, and Officer Rareba on the left. Romero paced around as he turned from side to side, alternately putting his hands up and then back down inside his shorts. Both officers ordered Romero to get down on the ground several times, and Officer Rareba stated, "Get down to the ground or you are going to get bean bagged."

Romero failed to follow the officers' commands and took his shorts off, striping naked. Romero continued to erratically move about, turning his body back and forth, and grasping his crotch and buttocks areas with his hands as the officers continued to give him commands to get down on the ground. According to the officers, once Romero was naked they observed he was not armed.

OIG Note No. 1: According to Officer Rareba, "He wasn't responding to any of our commands. So I formed the opinion that he was under the influence of possibly PCP or meth."⁶

Officer Rareba directed Officer Esparza-Ramirez to take possession of the 40 millimeter less-lethal launcher and handed it to him.

Officer Esparza-Ramirez holstered his pistol and took possession of the 40 millimeter less-lethal launcher. Officer Esparza-Ramirez' BWV captured him holding the 40 millimeter less-lethal launcher in a low ready position, pointed in Romero's direction. The BWV also depicted Officer Rareba momentarily standing between Romero and his partner as they moved about the courtyard.

Officer Rareba approached Romero and placed his left hand on Romero's chest while grasping Romero's left bicep area and ordering him to get down on the ground. Officer Rareba then grabbed Romeo's left forearm with his left hand; however, Romero was sweating profusely and flailed his arm, breaking away from Officer Rareba, while shouting, "You are going to stick something in my ass!" Officer Rareba then advised Officer Esparza-Ramirez to request an additional unit, and Officer Esparza-Ramirez broadcast, "18A49 can I get a back-up for a 415 man."

⁶ Rareba, Page 9, Lines 12-14.

Note: According to Officer Rareba, due to Romero's behavior and apparent hallucinations, "So that's why I went hands on, just so he didn't hurt me, hurt my partner, or anybody else or run back inside the house and then lead to a worse situation."⁷

Romero backed up toward the southeast corner of the courtyard. According to Officer Rareba, this was advantageous, because the area was away from everyone else. Officer Rareba believed he would just be able to hold Romero while Officer Esparza-Ramirez requested additional units. Due to his background playing rugby and football, Officer Rareba felt confident in being able to defend himself and use the least amount of force necessary on Romero. Officer Rareba grasped Romero's right tricep tendon with his left hand, and Romero's right wrist with his right hand while ordering Romero to place his hands behind his back and to get on the ground. Officer Rareba maintained a hold on Romero's right arm as he walked with Romero towards the wall of the building.

Note: Officer Rareba stated, "This guy obviously wasn't fighting us, so all I did was just hold a firm grip on his arm while the backup came."⁸

At approximately 0529:30 hours, Sergeant Gonzalez arrived in the courtyard. Officer Rareba directed Officer Esparza-Ramirez to give the 40 millimeter less-lethal launcher to Sergeant Gonzalez so Officer Esparza-Ramirez could assist in handcuffing Romero. Officer Esparza-Ramirez handed the 40 millimeter less lethal launcher to Sergeant Gonzalez and then approached his partner and Romero. Romero had spun to face Officer Rareba, so Officer Rareba grabbed Romero's upper left arm while still maintaining his grasp on Romero's upper right arm. Simultaneously, Officer Esparza-Ramirez gripped Romero's upper left arm and assisted in spinning Romero around to face the wall.

Note: As officers spun Romero around to face the wall, Officer Rareba's BWV fell to the ground.

Officers attempted to use the wall as a controlling agent to assist in handcuffing Romero. Officer Esparza-Ramirez maintained control of Romero's right arm as Officer Rareba hooked his left arm underneath Romero's left arm in an attempt to handcuff him. The officers held the front of Romero's body against the east wall of the building as they struggled for control of his arms and wrists. Officer Rareba removed a set of handcuffs from his equipment belt, but Romero continued to resist being handcuffed by flailing his arms and moving his body, so they were not able to handcuff him.

Sergeant Gonzalez directed the officers to take Romero to the ground. Officer Rareba then stated to Officer Esparza-Ramirez, "Let's take him to the ground." According to Officer Esparza-Ramirez, as they turned him, Romero's legs got crossed, and that

⁷ *Id.*, Page 24, Line 18-21.

⁸ *Id.*, Page 22, Lines 15-17.

caused Romero to go down to his knees on his own accord and officers were able to guide him to the ground.

Note: According to Officer Rareba, Romero also dropped his body weight while trying to get away from them, causing him to go down to the ground.

According to Officer Esparza-Ramirez once Romero went to the ground he was able to turn facing the officers. Officer Esparza-Ramirez' BWV depicted that Romero initially went down to his right side on the pavement with his head pointed south near the south wall of the building. According to Officer Esparza-Ramirez, they were then able to flip Romero to his stomach, at which time Officer Rareba utilized body weight on Romero's lower back and legs and Officer Esparza-Ramirez placed his right knee on Romero's upper back.

OIG Note No. 2: According to Officer Esparza-Ramirez, "*I didn't want to apply my full body pressure on him, because I didn't want to hurt him. So I applied a reasonable amount of body weight on him just enough to like keep him from getting up.*"⁹

Note: Officer Rareba believed he sat on Romero's legs.

As Officer Esparza-Ramirez was on the ground with Romero, his BWV dislodged and fell to the ground.

[....]

Romero was able to pull his hands underneath his torso. According to Officer Esparza-Ramirez, as Officer Rareba tried to gain control of Romero's arm he continued to place partial pressure on Romero's back with his right knee as he leaned against the door so he wasn't applying his full weight on Romero's back.

According to Sergeant Gonzalez, "*I observed that while they're still trying to get the cuffs on him, he's...his legs are still kicking around and, in a way, kind of giving him an advantage over the officers. So at that point, I decide to get involved. I know as a supervisor I'm supposed to stand back and -- and command the situation, but my officers needed the -- the extra assistance, the extra pair of hands.*"¹⁰ Initially, Sergeant Gonzalez assisted by placing his boot on top of Romero's foot. Sergeant Gonzalez realized that wasn't effective, so he bent down and wrapped both of Romero's ankles between his knees while applying bodyweight and a firm grip to Romero's ankles with his left hand. As he did this, Sergeant Gonzalez held the 40 millimeter less-lethal launcher in his right hand pointed down and away from the officers and Romero.

⁹ Esparza-Ramirez, Page 11, Lines 21-24.

¹⁰ Gonzalez, Page 8, Lines 1-8.

Note: Sergeant Gonzalez could not recall which of Romero's feet he placed his boot on. Sergeant Gonzalez' BWV did not appear to capture this action.

The following Southeast Patrol Division uniformed personnel responded Code 3 to the back-up request:

- Police Officer III Andrew Jenkins, Serial No. 40039, and Police Officer I Alvin Cruz, Serial No. 43631, assigned Unit 18A1 watch 3¹¹
- Police Officer II Herman Lucas, Serial No. 42899, and Police Officer I Jimmy Gov, Serial No. 43040, assigned Unit 18A41 watch 3¹²
- Police Officer II Juan Pantoja-Gonzalez, Serial No. 42771, and Police Officer Bryan Tahuite, Serial No. 42780, assigned Unit 18Z27 watch 3¹³

At approximately 0530:50 hours, Officers Jenkins and Cruz arrived in the courtyard and approached Officers Rareba, Esparza-Ramirez and Sergeant Gonzalez as they struggled to maintain control of Romero. This was followed moments later by the arrival of Officers Lucas and Gov. Officer Jenkins relieved Sergeant Gonzalez from holding

¹¹ Police Officer III Andrew Jenkins 10 years with the Department, 6'04" tall, 250 pounds, 31 years of age. Police Officer I Alvin Cruz, 8 months with the Department, 5'4" tall, 166 pounds, 23 years of age. The officers were driving a marked black and white, sport utility patrol vehicle, Shop No. 81133, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWV and DICVS were activated. Both officers were wearing body armor and had Department-approved handguns, handcuffs, Oleoresin Capsicum (OC) spray, Hobble Restraint Devices (HRD), and TASERS attached to their Sam Browne equipment belts. Officer Jenkins' side-handle batons was in his police vehicle. Officer Cruz' side-handle baton was on his Sam Browne equipment belt.

¹² Police Officer II Herman Lucas 2 years 3 months, with the Department, 5'07" tall, 200 pounds, 24 years of age. Police Officer I Jimmy Gov, 1 year 11 months with the Department, 5'7" tall, 170 pounds, 32 years of age. The officers were driving a marked black and white, sport utility patrol vehicle, Shop No. 81387, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWV and DICVS were activated. Both officers were wearing body armor and had Department-approved handguns, handcuffs, Oleoresin Capsicum (OC) spray, Hobble Restraint Devices (HRD), collapsible batons and TASERS attached to their Sam Browne equipment belts. The officers' side-handle batons were in their police vehicle.

¹³ Police Officers II Juan Pantoja-Gonzalez 2 years 5 months, with the Department, 5'11" tall, 175 pounds, 28 years of age and Bryan Tahuite, 2 years 5 months with the Department, 5'9" tall, 200 pounds, 24 years of age. The officers were driving a marked black and white, sport utility patrol vehicle, Shop No. 81296, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWV and DICVS were activated. Both officers were wearing body armor and had Department-approved handguns, handcuffs, Oleoresin Capsicum (OC) spray, Hobble Restraint Devices (HRD), and TASERS attached to their Sam Browne equipment belts. Officer Tahuite had a collapsible baton in his pocket. The officers' side-handle batons were in their police vehicle.

Romero's legs down. Officer Jenkins used his bodyweight and placed his shins across the back of both of Romero's calves.¹⁴

Officer Rareba grasped hold of Romero's left wrist and pulled his arm out from underneath his torso utilizing a rear wrist lock and placed it behind his back and handcuffed it. Officer Rareba then handed the handcuffed wrist to Officer Esparza-Ramirez and directed him to hold on to it. Officer Rareba then repeated this procedure with Romero's right wrist, pulling Romero's right wrist out from underneath him using a rear wrist lock, and Officer Esparza-Ramirez handcuffed Romero's wrists behind his back. Officer Lucas applied a firm grip to Romero's right forearm during this process to help the other officers handcuff Romero's right wrist.

OIG Note No. 3: According to Officer Esparza-Ramirez, “Once he’s handcuffed, suspect then says, ‘Hey, I can’t breathe.’ So that sets off a red flag in my mind. So what I do is I get off of him. I release the body weight that I have on his back with my knee, and I place my right arm -- my right hand on his upper back just to still have body weight on top of him, but less so that he can breathe.”¹⁵

At approximately 0531:10 hours, Officer Esparza-Ramirez broadcast a Code 4, indicating the suspect was in custody.

According to Officer Esparza-Ramirez, Romero was still moving his legs, making it difficult for officers. Officer Esparza-Ramirez advised he had a Hobble Restraint Device (HRD), and handed his to Officer Pantoja-Gonzalez, who in turn handed it to Officer Cruz.¹⁶ Once Romero was handcuffed, Officer Lucas' BWW captured him again apply pressure to Romero's right arm and back with his right hand, as officers were preparing to hobble Romero. Officer Jenkins crossed Romero's ankles and lifted them off the ground so Officer Cruz could apply the HRD to Romero's ankles, which he did.

OIG Note No. 4: According to Officer Jenkins, “Once the hobble was applied and the suspect was handcuffed and taken into custody, I then stood up off the suspect and we talked -- I told officers, ‘Let’s place him in the recovery position.’ At which time officers turned the suspect to -- on his side and stood him up up [sic] against the wall.”¹⁷

¹⁴ At approximately 0531:20 hours, Sergeant Gonzalez requested an additional supervisor to respond. Southeast Patrol Division uniformed Sergeant I Alvaro Ramos, Serial No. 26691, Unit 18L60, ultimately responded to conduct a Non-Categorical Use of Force investigation.

¹⁵ Esparza-Ramirez, Page 12, Lines 11-17.

¹⁶ While responding to the incident, Officer Pantoja-Gonzalez accidentally struck his right brow with the muzzle of the beanbag shotgun as he was removing it from their vehicle, causing a laceration. Due to his injury, Officer Pantoja-Gonzalez passed the Hobble to Officer Cruz to apply it.

¹⁷ Jenkins, Page 8, Lines 24-25 and Page 9, Lines 1-4.

When asked by FID how long Romero was on his stomach following the application of the hobble, Officer Jenkins stated, "Just a few seconds. Just enough time for the officers to then get off the suspect and us to turn him onto his side into the recovery position."¹⁸

Note: Officer Esparza-Ramirez believed he broadcast the Code 4 after the application of the HRD.

Officers Rareba and Esparza-Ramirez lifted Romero by his arms and stood him against the wall.¹⁹ A chair was brought over and placed along the southeast wall for Romero. Officers Rareba and Esparza-Ramirez sat Romero down on the chair in an upright position. According to Officer Esparza-Ramirez, Romero continued to attempt to stand up while seated on the chair. Officer Cruz was standing behind Romero and used his right hand to hold Romero's right shoulder down to keep Romero seated on the chair. According to Officer Esparza-Ramirez, Romero was still trying to get off the chair and Officer Cruz was unable to keep Romero seated. Officer Esparza-Ramirez then stood in front of Romero and, "Placed both my hands on his shoulders, and I sat him down somewhat forcefully and it worked. He sat -- he sat back."²⁰

At approximately 0532:20 hours, Officer Tahuite requested a Rescue Ambulance (RA) for Romero and stated that Romero was conscious and breathing and apparently suffering from a narcotic overdose.

Note: Officer Tahuite also placed himself Code Six during this broadcast. According to Officer Tahuite, he was not sure if it was done when he first arrived at scene. According to Officer Pantoja-Gonzalez, he attempted to type a message to the RTO while enroute to the call to place them Code Six, however he was unsure if the message went through.

To better control Romero, the officers decided to place him into a patrol vehicle. Officer Pantoja-Gonzalez retrieved a black and white patrol vehicle and parked it in the courtyard.²¹

Officers Rareba, Cruz, and Esparza-Ramirez then lifted Romero from the chair and carried him to the patrol vehicle. Officer Rareba carried Romero's legs while Officer Cruz held Romero by the left arm and Officer Esparza-Ramirez held Romero by the right arm.

¹⁸ *Id.*, Page 14, Lines 18-24.

¹⁹ Officer Cruz recovered Officer Esparza-Ramirez' BWV from the ground and reattached it to Officer Esparza-Ramirez.

²⁰ Esparza-Ramirez, Page 14-15, Lines 25-3.

²¹ Officer Pantoja-Gonzalez pulled Shop No. 81387 into the courtyard.

The officers decided to place Romero into the police vehicle feet first. While holding onto Romero's legs, Officer Rareba entered the rear driver's side of the police vehicle, and slid toward the passenger side. As he did so, he used his left hand to pull Romero's legs inside of the vehicle. Simultaneously, Officers Cruz and Esparza-Ramirez guided Romero's upper body into the vehicle and placed him face up in a seated position. Officer Pantoja reached into the open passenger side door, grabbed onto Romero's ankles, and pulled him toward the passenger side of the vehicle.

According to Officer Rareba, Romero's body was very slippery and he kept moving and flailing around inside of the vehicle. Officers Rareba and Esparza-Ramirez were concerned that Romero was going to injure himself as a result. Therefore, as captured by DICV, Officer Esparza-Ramirez placed both hands on Romero's shoulders and pulled his upper body down toward the seat, placing Romero into a supine position. Officer Esparza-Ramirez then placed his right arm on Romero's chest. According to Officer Esparza-Ramirez, *"With my right arm, I applied pressure onto his chest to keep him from sitting up, keeping him from possibly, again, hurting himself, banging his head as my partner is securing the hobble."*²²

Officer Rareba ensured the HRD device was secure on Romero's ankles and the officers decided to place Romero into a seated position. Officer Rareba pulled Romero's ankles toward the passenger side of the vehicle. Initially, as captured by DICV, Officer Esparza-Ramirez grabbed Romero's left arm and began pulling him in the opposite direction, toward the driver's side of the vehicle. Officer Esparza-Ramirez then stated, "Oh, that side?" and pushed Romero on his upper back toward the passenger seat.²³

Officer Rareba placed the strap of the HRD outside of the door and Officer Lucas attached it to the front passenger door frame clip, securing Romero's legs. Officers Esparza-Ramirez and Rareba attempted to place the seat belt on Romero, at which time Romero grabbed the bottom portion of the seat belt with his hands. The officers leaned Romero forward, exposing his hands, and Officer Esparza-Ramirez pushed down on Romero's left arm while pulling the seatbelt from Romero's grip. According to Officer Rareba, Romero was leaning forward and was attempting to get out of the vehicle, so he placed his left forearm across Romero's chest and pushed his body toward the backrest so his partner could seatbelt Romero. Together, Officers Rareba and Esparza-Ramirez secured Romero's seatbelt.

Note: The DICV depicted Officer Rareba's arm sliding up near Romero's neck while attempting to seatbelt Romero in the back of the vehicle. According to Officer Rareba, at no time did he apply any pressure to Romero's neck.

²² Esparza-Ramirez, Page 17, Lines 7-10.

²³ Gleaned from the DICVS of Shop No. 81387.

OIG Note No. 5: When Officer Rareba was asked by FID about his hand coming near the area around Romero's neck, he stated, "I don't recall that. I just recall that he was naked and super slippery and sweaty. So if – if it did go up to the neck area, I don't believe – it was for very long. [...] It's not like we were trying to choke him or anything like that. We're not slamming him or anything, it's literally just me putting my body structure, my forearm against his chest so we could get the seat belt across his chest."²⁴

According to Sergeant Gonzalez, he only recalled Officers Rareba and Esparza-Ramirez using firm grips to get Romero into the back seat of the police vehicle.



Still photo from DICV of Shop No. 81387.

At approximately 0539 hours, RA 64 arrived at scene staffed by Los Angeles Fire Department (LAFD) Firefighter/Paramedics Michael Jones and Steven Martinez. Paramedic Martinez administered an injection of Versed in Romero's right arm while he was seated in the rear seat of the police vehicle in order to sedate him.²⁵

After the sedative started to take effect on Romero, Officers Esparza-Ramirez and Rareba donned latex gloves and prepared to remove Romero from the rear seat of the patrol vehicle to place him on a gurney. According to Sergeant Gonzalez, he directed only Officers Rareba and Esparza-Ramirez to pull Romero out of the back seat, to minimize the number of officers involved. Officer Rareba grabbed Romero's right arm and assisted in standing him up. Officer Esparza-Ramirez then grabbed Romero's left arm, and together they walked Romero over and sat him on the gurney.

Note: As they were placing Romero on the gurney, Officer Esparza-Ramirez' BWV was knocked from his torso and fell to the ground.

²⁴ Rareba, 2nd Interview, Page 10, Lines 15-25 and Page 11, Lines 1-4.

²⁵ Versed is a sedative commonly used by LAFD paramedics to treat patients under the influence of central nervous system stimulants.

Officer Rareba handcuffed Romero's right hand to the right rail of the gurney and Officer Esparza-Ramirez handcuffed his left hand to the left rail of the gurney. Officer Pantoja-Gonzalez assisted by holding Romero's lower legs down on the gurney to prevent him from kicking. Simultaneously, Officer Tahuite grabbed the loose end of the hobble and pulled it tight to prevent Romero from kicking. He then wrapped the Hobble once around the end of the gurney. Romero can also be seen on BWV attempting to sit up on the gurney as LAFD is attempting to buckle him in the gurney. Officer Esparza-Ramirez can be seen placing his right arm across Romero's chest while LAFD personnel is buckling Romero.

Romero was transported by RA to Harbor UCLA Medical Center. Officer Pantoja-Gonzalez rode in the RA, while Officer Tahuite followed behind the RA in their patrol vehicle.

Officers Rareba and Esparza-Ramirez remained at scene and spoke with the residents at the facility, including Atiba, to determine if any crime had occurred. According to Officers Rareba and Esparza-Ramirez, after speaking with Atiba and several residents, their investigation ultimately revealed there was no evidence of a crime. They believed Romero was under the influence of narcotics, possibly PCP. Although Romero resisted their efforts to handcuff him, he appeared to be hallucinating, and never attempted to assault the officers. They believed that Romero primarily needed medical attention. According to Officer Esparza-Ramirez, based on the information gathered by Sergeant Ramos, his partner, and himself, a determination was made that no crime occurred and they would complete an Employee Report, Form 15.7, to document the use of force.

At approximately 0609 hours, Officers Pantoja-Gonzalez and Tahuite arrived at the Emergency Room (ER) with Romero, where he was treated by medical staff. Romero was ultimately admitted to the hospital for rhabdomyolysis.

At approximately 1253 hours, the Department Operations Center (DOC) was notified of the Law Enforcement Related Injury (LERI).

Force Investigation Division (FID) Detective II Blair Grabiak, Serial No. 26647, reviewed all documents and circumstances surrounding the separation and monitoring of the involved officers.

Scene Description

The LERI occurred on the paved parking lot/courtyard of the Figueroa House, located at 10465 South Figueroa Street. The location was a single level structure consisting of ten residential units, an office, and a common room/kitchen that surrounded the interior parking lot/courtyard. The courtyard area was accessed by an entry gate and driveway on the north-east side of the property.

The LERI occurred during the hours of darkness at approximately 0529 hours. Artificial lighting was provided by exterior lighting above the residential units. The weather was overcast and dry.

Canvass for Witnesses

On April 8 and 17, 2019, FID personnel conducted a canvass of the area for witnesses to the LERI. Although BWV depicted the presence of numerous residents in the area at the time of the incident, only three witnesses agreed to be interviewed. Atiba, the original person reporting (PR), was not located during these attempts. Detective Grabiak left a business card for Atiba requesting that he contact FID investigators. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report.

According to Witness Mashona Russell, Romero had been a resident at the location for approximately three weeks. Romero began acting strangely around 1500 hours on Sunday, April 7, 2019, sweating profusely, screaming, "They're after me, they're after me." According to Russell, this behavior continued into the early morning hours of April 8, 2019. This led Russell to believe Romero was under the influence of narcotics.

Russell was also present when Officers Rareba and Esparza-Ramirez arrived and heard them issue orders to Romero and give a less-lethal warning. Russell then observed Officers Rareba and Esparza-Ramirez grab Romero and take him to the ground slowly.

Note: Russell recalled approximately 10 other officers involved in the use of force after Officers Rareba and Esparza-Ramirez had Russell on the ground.

On April 17, 2019, FID Detective Grabiak called Atiba, but he did not answer. A message was left for him, requesting a call back and interview.

On April 19, 2019, Atiba called Detective Grabiak and declined to be interviewed.

Note: Atiba advised Detective Grabiak that he was not present during the incident, and only heard about it later.

Suspect Information



Juan Romero was a male Hispanic with brown hair and brown eyes. According to Romero's Consolidated Criminal History System Report (CCHRS), he was 5 feet 6 inches tall, weighed 160 pounds, and had a date of birth of July 26, 1974. Romero was identified by Criminal Information Index No. A09399722.

Romero had prior convictions for Battery, Assault with a Deadly Weapon, Resisting Arrest, Vandalism, Narcotics Possession, Under the Influence of a Controlled Substance, Disorderly Conduct, Domestic Violence, and Attempt Escape from State Prison. He had one prior Mental Evaluation Unit (MEU) contact. Romero was a

documented 18th Street gang member, Hoover Locos clique, with a moniker of Crook (Addendum No. 1).

Romero was interviewed by FID detectives and admitted to drinking approximately twenty 24 ounce beers and ingesting approximately two grams of methamphetamine starting at approximately 2100 hours. Romero was seeing other people who were not there during his encounter with the police and didn't know what was real and what was in his mind.

Injuries

LAFD RA 64, staffed by Firefighter/Paramedics Michael Jones and Steven Martinez arrived at scene and administered Versed to Romero. He was then transported by RA to Harbor UCLA Medical Center Emergency Room.

While at the hospital, it was determined that Romero was going to be hospitalized for rhabdomyolysis.²⁶ According to Doctor Williams, the officers' use of force with Romero could not be eliminated as a factor contributing to Romero's condition.²⁷ Romero also sustained abrasions to his right shoulder, both knees, and complained of blisters on his left foot.

Romero's toxicology report was positive for methamphetamine (Addendum No. 2).

Romero was released from the hospital on April 9, 2019.

Officers Esparza-Ramirez sustained abrasions to fingers on his left and right hand, and a scratch to his left arm above the elbow. Officer Rareba sustained an abrasion to a knuckle on his right hand. Both officers were medically treated at City of Los Angeles, Personnel Department, Medical Services Division, and remained full duty. As Officer Pantoja-Gonzalez arrived on scene he removed the beanbag shotgun from the shotgun rack and inadvertently struck his right eyebrow with the muzzle. The impact caused a small laceration and minor bleeding. Officer Pantoja-Gonzalez ultimately applied pressure to the wound to stop the bleeding. Officer Pantoja-Gonzalez declined medical treatment.

Sergeant Gonzalez sustained a scrape to his left knee during the use of force. He did not seek medical treatment.

²⁶ Romero was admitted under medical record No. 101551657.

²⁷ FID Detective Vazquez personally spoke with Romero's admitting physician and identified him as Doctor James Williams. Romero's medical records identified the admitting physician as Doctor Carmen Maria Mendez.

Visual Documentation

Digital In-Car Video System (DICVS)

The DICVS for Officers Lucas and Gov, shop No. 81387, captured Romero being secured in the rear seat of their vehicle.

The DICVS for Officers Pantoja-Gonzalez and Tahuite, shop No. 81296, captured Romero's transportation by RA to Harbor UCLA Medical Center.

The remaining Southeast Patrol units that activated their DICVS while responding to the incident were identified and reviewed by investigators. These videos did not provide any additional investigative insight.

Body Worn Video (BWV)

Officers Rareba and Esparza-Ramirez' BWV captured the initial contact with Romero until the point where Romero went to the ground and the officers body worn cameras fell off. After the use of force, their BWV cameras were reattached to their uniforms. A second BWV activation depicted the officers interviewing a witness and transferring Romero from the back seat of a police vehicle to the ambulance gurney.

Sergeant Gonzalez' BWV captured a portion of Romero being taken into custody.

Officers Cruz and Jenkins' BWVs captured a portion of Romero being taken into custody.

Officers Lucas and Gov's BWVs captured a portion of Romero being taken into custody.

Officers Pantoja-Gonzalez and Tahuite's BWV captured Romero being taken into custody and Romero's transportation to Harbor UCLA Medical Center.

Note: Pantoja-Gonzalez' BWV was not active while he was in the RA with Romero. According to Pantoja-Gonzalez, this was to protect Romero's privacy with regards to his HIPPA information.

Sergeant Ramos' BWV captured his interview with Witness Atiba. All additional BWVs of responding Southeast Division units were reviewed by FID investigators. Unless noted above, the additional videos did not contain investigative value.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified via social media.

Other Department Video

There are no other Department videos related to the incident.

Outside Video

FID investigators obtained surveillance videos from 10465 South Figueroa Street. There were six surveillance cameras, identified as Channels 1, 2, 4, 7, 9, and 10 that recorded either portions of the use of force or Romero prior to the incident. The time stamps on the video were approximately 31 minutes behind actual time. The videos were filed under TID File No. 743890.

Channel 1 faced north to northeast in the kitchen area. The video captured Romero entering the kitchen beginning at approximately 04:47:23. The video also captured Romero picking up a knife from the kitchen table and then tossing it back on the table after a few seconds.

The remaining surveillance videos were reviewed by FID investigators. The videos captured some of Romero's actions prior to the use of force, as well as portions of the officers' contact with Romero; however, the videos did not provide additional investigative value.

Photographs

On April 8, 2019, Photographer III Andrew Millet, Serial No. N3782, Technical Investigation Division (TID), responded and photographed the involved officers and crime scene. These photos were stored under Digital Control No. 0787972. Photographer III Harry Sarkisian, Serial No. N3442, TID, also responded and photographed Romero at Harbor UCLA Medical Center. These photos are stored under Digital Control No. 0769106.

Prior to the incident being classified as a Categorical Use of Force, Sergeant Ramos also took digital photographs of the scene, officers, and Romero. These photos are stored under Digital Control No. 0857665.

Notifications

Following the use of force, Sergeant Ramos responded to begin conducting a Non-Categorical Use of Force investigation. Consistent with a Non-Categorical Use of Force Investigation, witnesses were interviewed, photographs were taken, and video was reviewed by various personnel.

After the incident, Force Investigation Division (FID) Lieutenant II Jeffery Wenninger, Serial No. 30572, was notified of the use of force and that Romero was being treated at the hospital. At the time of the initial notification, the incident did not meet the criteria for

FID to respond. Lieutenant Wenninger advised to handle the incident at the divisional level, but to contact him again if Romero was ultimately admitted to the hospital.

At approximately 1000 hours, FID Detective III James Goossen, Serial No. 26464, received notification from Lieutenant Wenninger of the Non-Categorical Use of Force investigation and that Romero was possibly going to be hospitalized for rhabdomyolysis. Detective Goossen directed FID Detective II Joseph Vasquez, Serial No. 35412, to respond to Harbor UCLA Medical Center to conduct an on-scene assessment to determine if Romero's condition and subsequent admittance to the hospital was a result of the use of force.

At approximately 1030 hours Detective II Joseph Vazquez, Serial No. 35412, arrived at Harbor UCLA Medical Center. Detective Vazquez eventually spoke with Romero's admitting physician, Doctor James Williams, who confirmed Romero was going to be admitted to the hospital for rhabdomyolysis. According to Doctor Williams, the officers' use of force with Romero could not be eliminated as a factor contributing to Romero's condition (Addendum No. 2).

At approximately 1149 hours, Southeast Watch Commander Lieutenant I Hendley Hawkins, Serial No. 34094, was notified by Detective Goossen that the incident was going to be re-classified as a Categorical Use of Force. The involved officers had already ended their shift, so Lieutenant Hawkins immediately started making telephonic notifications to the involved personnel and ordered them not to discuss the incident until their scheduled interviews with FID, which would occur upon their return to duty for their next scheduled shift (Addendum No. 3).

At approximately 1253 hours, the Department Operations Center was notified of the Categorical Use of Force (Addendum No. 4).

Note: Lieutenant Hawkins' Watch Commander's log documented the time of the DOC notification as 1252 hours.

Personnel at Scene

At approximately 1030 hours, Detective Vasquez was the first representative from FID to arrive at Harbor UCLA Medical Center to assess the incident as a potential Categorical Use of Force. At approximately 1500 hours, Detective Vasquez along with FID Detective I Alberto Rosa, Serial No. 26598, were the first FID personnel to arrive at 10465 South Figueroa Street.

Note: Due to the incident being re-classified as a Categorical Use of Force several hours after it occurred, a crime scene had not been established.

Communications

Copies of the CD Incident Recall printout relative to Incident No. 190408000631 are on file at FID. A digital recording of Southeast Division Base Frequency and the 911 call related to the same incident are stored at FID. The digitally recorded interviews of the involved and percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database.

Justice System Integrity Division Review

This case did not meet the criteria for presentation to the Los Angeles County District Attorney Office, Justice System Integrity Division (JSID).

Investigators' Notes

1. Sergeant Ramos' and Officer Rareba's BWVs captured brief interviews with Atiba the morning the incident occurred. Atiba's statement regarding Romero's actions preceding the use of force were gleaned from the BWVs. When Detective Grabiak spoke with Atiba after the incident, Atiba advised Detective Grabiak he was not present during the incident and only heard about it later. Atiba declined to be interviewed.
2. During the first activation of Officer Esparza-Ramirez' BWV, the video abruptly shuts off as the officers are placing Romero into the back seat of the police vehicle. According to Officer Esparza-Ramirez, he was carrying Romero to the police vehicle and he did not turn his BWV off. According to the Axon device audit trail item No. 69, the recording stopped due to the power switch being moved to the off position (Addendum No. 5).
3. The investigation revealed the following additional issues concerning BWV activations:
 - Officer Rareba's second BWV captured approximately one second of buffering prior to activation.
 - Sergeant Gonzalez was late in activating his BWV. According to Sergeant Gonzalez, he realized when Romero was in custody that he had inadvertently failed to turn his BWV on upon arrival. Additionally, his BWV only captured approximately 47 seconds of buffering prior to activation.
 - Officer Lucas had three BWVs related to this incident. His second BWV captured approximately 1:15 of buffering prior to activation. According to the BWV audit trail, Officer Lucas started recording his second video approximately 1:15 after the completion of his last BWV. Therefore, there was only approximately 1:15 of buffering. Officer Lucas' third BWV captured approximately seven seconds of buffering prior to activation.

- Officer Gov had three BWVs related to this incident. His second BWV captured approximately 1:25 of buffering prior to activation. According to the BWV audit trail, Officer Gov started recording his second video approximately 1:25 after the completion of his last BWV. Therefore, there was only approximately 1:25 of buffering.
- Officer Pantoja-Gonzalez had two BWV related to this incident. His first BWV was activated after he arrived at scene and did not capture his Code 3 response. His second BWV captured approximately 17 seconds of buffering prior to activation.
- Sergeant Ramos' BWV captured approximately 30 seconds of buffering prior to activation. According to the BWV audit trail, Sergeant Ramos' BWV was powered on approximately 2:53 prior to the activation. A review of Sergeant Ramos' other BWV activations that day revealed some events captured 30 seconds of buffering, while others captured the full two minutes of buffering. Southeast Division was contacted to examine Sergeant Ramos' BWV camera for a possible malfunction.

Force Investigation Group, Commanding Officer, Commander Robert Marino, Serial No. 27226, informed the Director, Office of Operations, Assistant Chief Robert N. Arcos, of these issues.

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CHIEF OF POLICE REPORT²⁸

Chief of Police Findings

Tactics – Tactical Debrief, Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Lucas, and Cruz.

Drawing/Exhibiting – In Policy, No Further Action, Officers Esparza-Ramirez.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Lucas, and Cruz.

Chief of Police Analysis

Detention

- Officers Rareba and Esparza-Ramirez responded to a radio call of a 415 man with a knife who was reportedly under the influence of alcohol and narcotics. The officers arrived at the location and were directed to the suspect by witnesses who were stating the suspect was acting “crazy”. The officers observed Romero standing in the kitchen, with his hands inside of his waistband, while yelling and pacing back and forth. Additionally, Romero appeared agitated and sweaty. The officers formed the opinion Romero may be under the influence of a controlled substance and in need of medical attention. The officers gave Romero several commands to stop resisting, but Romero was unresponsive and did not comply. Officers utilized non-lethal force to take Romero into custody. During the course of the incident, Sergeant Gonzalez and Officers Jenkins, Cruz, and Lucas also became involved in the use of force. The officers’ actions were appropriate and within Department policies and procedures.

Tactics

- *Department policy relative to a Tactical Debrief is: “The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

²⁸ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Esparza-Ramirez and Rareba, having worked together approximately three times prior to this incident, had previous discussions regarding tactical planning which included contact and cover roles, foot pursuit concepts, radio communications, edged weapons protocols, the guiding value of reverence for human life, recent crime trends and duty weapons and ammunition. The officers also discussed the need for flexibility and the possibility of switching designated roles to gain a suspect's voluntary compliance through rapport. While enroute to the radio call, the officers discussed their familiarity with the location, prior contacts with subjects at the location, lethal and less lethal roles, non-lethal tactics, and edged weapons protocols. As such, Officer Rareba was the DCO and Officer Esparza-Ramirez was designated less-lethal with the 40mm LLL.

Assessment – As Officer Rareba and Esparza-Ramirez were responding to the radio call, they assessed the information provided to them by CD and formulated a coordinated approach to include lethal and less-lethal force options. Officer Rareba determined the 40mm LLL would be the most effective tool if Romero was armed with a knife and refused to drop it. Upon arrival to the location, Officer Esparza-Ramirez was advised by witnesses that Romero was nearby and acting irrational. Officer Esparza-Ramirez assessed his proximity to the location and Romero and determined he was closer. Knowing Officer Rareba was behind him and had deployed the 40mm LLL, Officer Esparza-Ramirez transitioned to the role of DCO. Upon contacting Romero, the officers assessed his behavior and determined that he was under the influence of a controlled substance, was hallucinating, and was in dire need of medical attention. After Romero removed his clothing, the officers observed he was no longer armed and Officer Esparza-Ramirez holstered his service pistol.

Officer Esparza-Ramirez' assessment of the situation led him to broadcast a backup request. After unsuccessfully using repeated commands in an attempt to gain Romero's voluntary compliance, the officers utilized non-lethal force options to take Romero into custody. Throughout their application of force, the officers continuously assessed the effectiveness of each technique and adjusted them as necessary to reduce the risk of injury to Romero and the officers.

Time – Upon locating Romero in the kitchen, both Officers Rareba and Esparza-Ramirez used the cover provided to them by the door frame and outer wall; however, Romero immediately charged towards the direction of the officers, closing the distance and limiting the officers' utilization of time in that moment. Though the officers had not yet determined that Romero was unarmed, the officers demonstrated restraint and discipline as they quickly redeployed and re-assessed the situation. The officers were in an open courtyard/parking lot with limited options for cover. Additionally, they were surrounded by witnesses who were also residents of the rehabilitation center. Having prior knowledge of this location, the officers knew that backing into the crowd would not be a sound tactic, thus limiting their ability to create more distance between themselves and Romero. Officer Rareba determined the Romero was not violent and merely hallucinating. Romero was 44 years old, five feet, six inches tall, and weighed 160 pounds. Officer Esparza-Ramirez was 23 years old, five feet, nine inches tall, and weighed 200 pounds. Officer Rareba was 29 years old, five feet, eight inches tall, and weighed 195 pounds. Officer Rareba also had prior experience playing the sports of football and rugby. Officer Rareba was concerned that due to Romero's actions and the close proximity of other citizens in the immediate area, that Romero could escalate the incident and harm another person or barricade himself inside of a building. Officer Rareba attempted to use touch and a calm demeanor to gain Romero's compliance, but Romero pulled away. Shortly after Officer Rareba initiated physical contact with Romero, Officer Esparza-Ramirez broadcast a backup request. Both officers then approached Romero in an attempt to contain him into the corner of the courtyard and away from witnesses and the open kitchen door, affording them additional time as they waited for additional resources. The UOFRB would have preferred that the officers had continued to wait for the arrival of the additional resources, who were a short driving distance from the station, before they initiated physical contact with Romero. However, the UOFRB determined and the Chief concurred, the officers' articulation for their approach and physical contact with Romero in order to prevent the situation from escalating was reasonable, and therefore not a deviation from Department policy and tactical training.

Redeployment and/or Containment – Officers Rareba and Esparza-Ramirez redeployed backwards once Romero charged at them from the kitchen. To prevent Romero from arming himself by re-entering the kitchen, Officer Rareba determined it was prudent to allow Romero to back into the corner of the courtyard, which was away from open doors and witnesses/residents. This allowed officers to contain Romero within the courtyard/parking lot with the unique layout and limited options for available cover.

Other Resources – Officers Rareba and Esparza-Ramirez, being aware that Romero may be armed with a knife, chose to deploy their 40mm LLL. The deployment of the less-lethal force option provided them with additional tactical options. Both officers stated they deployed the 40mm LLL to avoid the use of deadly force. Additionally, both officers were equipped with their TASERs as an additional less-lethal force option. The officers also knew that Sergeant Gonzalez was responding with them to the call for service. Officer Rareba was cognizant of the need for additional resources and told Officer Esparza-Ramirez to request for additional units. Officer Esparza-Ramirez, having a larger overview of the incident, determined that a back-up request was more appropriate and broadcast the request.

Lines of Communication – Officers Rareba and Esparza-Ramirez demonstrated open lines of communication with each other while responding to the call. They discussed a thorough tactical plan and discussed each of their roles. Officer Esparza-Ramirez utilized his handheld radio to communicate the need for additional resources, advising responding units of the nature of the call, a “415 man.” They maintained communication with Sergeant Gonzalez by responding to his direction and oversight. The officers also continued to verbalize with Romero throughout the incident, advising him they were there to help him and assuring Romero that his hallucinations were not going to harm him. While the officers gave Romero repeated commands, Romero was unresponsive regardless of what the officers ordered him to do. This may have provided an indication for the officers to consider other options to gain Romero’s compliance, including changing their tone or attempting establish a dialogue with Romero. The Chief would have preferred that Officer Rareba and Esparza-Ramirez attempted alternative communication tactics with Romero when Romero continued to refuse to comply with the officers’ commands.

The UOFRB noted the officers’ attempts to gain voluntary compliance through the use of verbal commands were ineffective, possibly due to Romero’s altered state. The officers thorough planning while driving enroute to the call was exemplary of Department standards and expectations. The Chief concurred with the UOFRB in their examination of the officers’ actions and attempts at de-escalation during a rapidly unfolding situation and their evident desire to have Romero submit to a lawful detention.

- During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Code Six

When a unit is conducting a field investigation and no assistance is anticipated, a “Code Six,” followed by the location, shall be broadcast. A unit shall not go “Code Six” until it arrives at the scene of a call.

Units on “Code Six” status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on “Code Six” status may indicate to the

dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a back-up, assistance, or help location.*

Note: The unit shall notify the dispatcher as soon as it is again available for radio calls.

When the "Code Three" has been terminated, the officer shall notify Communications Division as soon as practicable. (Los Angeles Police Department Manual, Volume 4, Section 120.40)

Officer Jenkins and Cruz delayed in advising CD of their Code Six location upon responding to the back-up request.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation should the incident escalate and necessitate the response of additional personnel.

The Officers Jenkins and Cruz responded Code Three to a backup request located less than one mile from Southeast Community Police Station. Officers Cruz and Jenkins were the first additional unit to arrive at the scene of the back-up request. According to Officer Cruz, who was the passenger officer, he attempted to place their unit Code Six upon arrival via the MDC. Since the incident was a request for backup units which indicated an officer emergency, Officers Cruz and Jenkins did not wait in the police vehicle to confirm that the transmission was received by CD.

In this case, the UOFRB considered the spirit of the Department's Code Six policy and noted several resources were already enroute to the location due to the nature of the request by the primary unit. The UOFRB also considered Officer Cruz' attempt to place their unit Code Six using their MDC. Furthermore, upon their arrival, Officers Cruz and Jenkins were immediately involved in the use of force. Once Romero was taken into custody and the scene was contained, Officer Jenkins broadcast their Code Six location to CD as soon as it was practicable and without further delay.

Based on the totality of circumstances noted by the UOFRB, the Department's Code Three policy, that Officers Cruz and Jenkins were responding to a backup request for a unit which was already at-scene with a known broadcasted location, and that Officer Jenkins placed the unit Code Six as soon as it was practical, the Chief found that the officers' actions were not a substantial deviation from Department policy and procedure. In an effort to improve future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Contact and Cover Roles/Tactics** – Officers Esparza-Ramirez and Rareba discussed a tactical plan while enroute to the location. However, upon arrival, Officer Esparza-Ramirez' assessment of the situation caused him to unholster his service pistol and assume the role of the DCO. Though officers are granted discretion and flexibility during fluid and dynamic tactical incidents, the Chief would have preferred Officer Esparza-Ramirez had communicated to Officer Rareba his observations and intention to switch his designated role. Officers are reminded to, when feasible, to communicate any changes of their tactical plan, with their partner officers. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Simultaneous Commands** – Officers Esparza-Ramirez and Rareba gave Romero non-conflicting simultaneous commands throughout the incident. Officers are reminded that simultaneous commands can cause confusion and frustration with a suspect or subject who is in an altered state and can escalate a situation. The Chief would have preferred that the officers maintained their designated contact and cover roles. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Maintaining Control of Equipment** – Officer Rareba set his side-handle baton on the floorboard of the police vehicle's backseat while placing Romero, who was handcuffed and had a HRD already applied, into the police vehicle during the use of force. Although Officer Rareba was dealing with an actively resisting suspect and was attempting to maintain physical control, officers are reminded, when feasible, to secure equipment prior to engaging with a suspect. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Initiating Contact with 40mm LLL in Right Hand** – The investigation revealed that Sergeant Gonzalez initiated physical contact with Romero to assist officers with the handcuffing of Romero while holding the primary unit's 40mm LLL. Although Sergeant Gonzalez was providing direction and oversight, the Chief would have preferred that he slung the 40mm LLL, utilizing the attached sling, in order to allow both hands to be available to maximize the effectiveness of his involvement.

Additionally, the Chief would have preferred that Officer Esparza-Ramirez to have also slung the 40mm LLL in order to assist Officer Rareba in taking Romero into custody to avoid inadvertently covering Officer Rareba with the 40mm LLL. The Chief directed this to be a topic of discussion during the Tactical Debrief.

- **Stepping on Limbs** – Sergeant Gonzalez used his boot to apply bodyweight on Romero's ankles because Sergeant Gonzalez was holding the 40mm LLL with his right hand. Although the officers were struggling to take Romero into custody, all Department personnel are reminded that stepping on limbs can lead to a loss of balance. In addition, this action can cause a negative impact to the public's

perception of the Department. The Chief directed this to be a topic of discussion during the Tactical Debrief.

- **Less-Lethal Force Options** – Officer Rareba stated in his interview with FID that according to videos he has watched, the TASER was an ineffective tool to use on suspects who are under the influence of PCP. Officers are reminded of the inherent dangers associated with suspects who are under the influence of PCP. Regardless of an officer's level of confidence and strength, suspects under the influence of PCP should be approached with great caution. Although, in this case, Romero was not initially violently resisting the officers, this incident had the potential to escalate. In order to ensure that all officers are knowledgeable of the Department's less-lethal force options and tactics related to the handling of suspects who are possibly under the influence of PCP and/or other controlled substances, the Chief directed this to be a topic of discussion during the Tactical Debrief.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right

resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide)

Sergeant Gonzalez responded to a CD request for a supervisor as part of the Department's Edged Weapons Protocol. Sergeant Gonzalez was the first supervisor to arrive at scene and while he did not declare himself as the IC, he assumed the role of an IC through his actions. Upon arrival, Sergeant Gonzalez observed the officers struggling to take Romero into custody. He ordered the officers to guide Romero to the ground to prevent injuries and to aid in handcuffing. After observing the officers continuing to struggle with Romero, Sergeant Gonzalez engaged Romero by utilizing bodyweight and applying pressure to Romero's ankles. Once responding units arrived, Sergeant Gonzalez was relieved of his involvement in the use of force and stepped back to gain an overview of the ongoing tactical situation. He continued to assess and direct the involved officers. Sergeant Gonzalez ensured that a minimum amount of force was used, along with the least number of officers engaged in the use of non-lethal force.

The UOFRB noted, and the Chief concurred, that while Sergeant Gonzalez' tactical plan was comprised of many aspects, which included continual assessment, reverence for human life by ensuring the minimum amount of force was used, and maintaining open lines of communication, it would have been preferred for Sergeant Gonzalez to maintain oversight of the incident without becoming physically involved. Responding units were approximately one to two minutes away from the location. Sergeant Gonzalez' decision to become physically involved in the use of force diminished his effectiveness to supervise and direct the officers.

Nonetheless, the UOFRB and the Chief concurred, that overall, Sergeant Gonzalez was faced with a rapidly unfolding and tactically fluid situation that could have escalated further, and it was through his oversight and command and control that the situation was successfully resolved. Therefore, the actions of Sergeant Gonzalez were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident. In an effort to improve future performance, Sergeant Gonzalez will be directed to attend a Tactical Debrief specifically addressing the topic of Command and Control and the Chief's expectations of field supervisors during a critical incident.

Sergeant Ramos responded to the back-up request and initiated a NCUOF investigation. Sergeant Ramos obtained witness statements, took photographs of the involved officers, and conducted witness interviews. Romero was later admitted into the hospital for rhabdomyolysis and the incident was later re-classified as a CUOF, with FID assuming investigative responsibility of the incident.

The actions of Sergeant Ramos were consistent with Department policy and procedure and met the Chief's expectations of a field supervisor during a NCUOF incident.

Lieutenant Hawkins was notified by FID regarding the re-classification of the incident to a CUOF. Lieutenant Hawkins and Lieutenant Bennet immediately began notifying the involved personnel and ordered each of them to not discuss the incident. Upon completion of the admonishments, Lieutenant Hawkins notified the DOC. Although approximately 64 minutes had elapsed before Lieutenant Hawkins notified the DOC, the UOFRB determined, and the Chief concurred, the late notification was reasonable due to the crucial step in the CUOF process of notifying and admonishing the involved officers who were already end of watch.

Therefore, based on the totality of the circumstances, the actions of Lieutenants Hawkins and Bennet met the Chief's expectations of supervisors during a CUOF incident.

Tactical Debrief

- Each tactical incident also merits a comprehensive briefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to review the officer's individual actions that took place during this incident.

Therefore, the Chief directed that Sergeant Gonzalez along with Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas attend the Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On April 24, 2019, Sergeant Gonzalez, and Officers Esparza-Ramirez and Rareba, attended a GTU. All mandatory topics were covered Reverence for Human Life, Tactical Planning, and Tactical Communication.

Drawing/Exhibiting

- *Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the*

officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Esparza-Ramirez

According to Officer Esparza-Ramirez, he heard a nearby witness state, "He's crazy," and "He's in there" (referring to Romero). As Officer Esparza-Ramirez walked into the paved parking lot/courtyard, witnesses informed him Romero was in the kitchen. Believing Romero was armed, he decided to switch roles with Officer Rareba. Officer Esparza-Ramirez, thinking he would need to handle the situation now, transitioned to the role of the Designated Cover Officer (DCO). Officer Esparza-Ramirez then unholstered and drew his service pistol fearing the situation may escalate to the point where he would have to use deadly force.

Officer Esparza-Ramirez recalled, *I saw the property manager open the door and people saying, He's crazy. He's in there. He's in there... Everybody told me, "Hey, he's in the kitchen. He's in the kitchen." My gun's already drawn, because I was -- I thought, hey, this guy might still be armed. This situation may escalate to the point where I may have to use deadly force if he's armed with a knife and charges at me.*²⁹

*Again, we had -- we needed to have the option of less lethal and lethal. In this case it just played out that I was lethal. And we wanted to have the option to prevent the situation to escalate to the point where this person might have a knife, lunge at us, and try to hurt my partner or me.*³⁰

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Esparza-Ramirez' Drawing/Exhibiting. The UOFRB noted that Officer Esparza-Ramirez heard the comments of the call stating that Romero was armed with a knife and, upon arrival, heard witnesses stating, "He's crazy. He's in the kitchen."

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Esparza-Ramirez, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Esparza-Ramirez' Drawing/Exhibiting to be In-Policy, No Further Action.

²⁹ Esparza-Ramirez, Page 34, Lines 1-3 ; Page 7, Line 25 and Page 8, Lines 1-6.

³⁰ *Id.*, Page 25, Lines 16-21

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

*The Department examines reasonableness using *Graham v. Connor* and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Non-Lethal Use of Force ³¹

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*
 - *Defend themselves;*

³¹ Los Angeles Police Department Manual, Volume 1, Section 556.10.

- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Rareba – Firm Grip, Bodyweight and Twist Lock

According to Officer Rareba, he *grabbed* Romero's *left arm* by placing his *left hand* on Romero's *tricep* and his *right hand* on his *wrist area*. Romero pulled away and was *passively resisting* Officer Rareba's grip. Romero backed into a corner of the courtyard while Officer Rareba held his arms. Officer Rareba used the wall as a controlling agent and held Romero there while waiting for additional resources.

Officer Rareba recalled, *I just grabbed the arm that was closest to me...So I believe initially it was his left and then it was his right...One on the tricep tendon and one kind of on the wrist area.*³²

*So that's why I went hands on just so he didn't hurt me, hurt my partner, or anybody else or run back inside the house and then lead to a worse situation.*³³

*So he tried to get away from us. Went to the back corner of the kind of residence there. And at that point we used the wall as a controlling agent, so that we could grab his arms and take him into custody without incident.*³⁴

According to Officer Rareba, he guided Romero to the ground and applied bodyweight to Romero's legs by sitting on them to prevent him from trying kick and flail. Officer Rareba pulled Romero's left arm behind his back utilizing a rear wrist twist lock. He was able to get control of Romero's left arm and apply the handcuff. Officer Rareba reached over to grab Romero's right arm with a firm grip and pull it out from underneath him.

Officer Rareba recalled, *So we just went down right there and that was it. I grabbed his arm while maintaining -- I had body weight. I was -- I think I was sitting on his legs.*³⁵

We guided him to the ground. He had his arms beneath him laying on his stomach at that point -- had him laying down on his stomach, and he wouldn't give us his arms... I was able to get control of his left arm and get a handcuff on it. So I pulled

³² Rareba, Page 46, Lines 9-10, 16-17, 21-22.

³³ *Id.*, Page 24, Lines 18-21.

³⁴ *Id.*, Page 11, Lines 15-19.

³⁵ *Id.*, Page 29, Lines 13-16

that behind his back using the rear -- rear wrist twist lock... I then grabbed his right arm using the rear wrist twist lock, put his right arm behind his back, and we applied the cuff.³⁶

According to Officer Rareba, as he attempted to secure Romero in the vehicle, he was leaning forward, preventing him from securing his seatbelt. Officer Rareba utilized bodyweight to place his left forearm on Romero's chest in a downward diagonal manner so that Officer Rareba's left elbow was on Romero's clavicle and his left wrist was on Romero's left shoulder.

Officer Rareba recalled, *But we tried to get him into the car, so that we could reduce his movements, so he wouldn't hurt himself on our custody.³⁷*

...Officer Esparza, got the seat belt out of his hands, was able to get the seat belt loosened from his grip, and then the suspect was still leaning forward so that we couldn't – to prevent us from securing him with the seat belt...I believe it was my left forearm goes across his chest, since he wasn't leaning back, he was leaning forward, trying to get out of the car, trying to prevent us from securing him with the seat belt, and so I placed my left forearm against his chest so that he could lay back, quit squirming his head so he didn't spit or bite me or my partner and that so my partner could actually get the seat belt and wrap it around him...³⁸

It's going from, I guess, his right clavicle across his sternum, I guess, it [sic] be called, across his chest...It's not like we were trying to choke him or anything like that. We're not slamming him or anything, it's literally just me putting my body structure, my forearm against his chest so we could get the seat belt across his chest.³⁹

Officer Esparza-Ramirez – Firm Grip and Physical Force

According to Officer Esparza-Ramirez, he approached Romero and utilized a firm grip on his left arm. He assisted Officer Rareba with turning Romero around towards the wall. Once Romero was turned around, Officer Esparza-Ramirez utilized a firm grip on Romero's right arm. Romero dropped his bodyweight to the ground. Officer Esparza-Ramirez used his right knee to apply bodyweight to Romero's middle upper back while holding himself on the door because he did not want to apply his full body pressure on him.

³⁶ *Id.*, Page 12, Lines 2-5, 10-13, and 16-18.

³⁷ *Id.*, Page 16, Lines 20-22.

³⁸ *Id.*, 2nd Interview, Page 6, Lines 6-10, Lines 21-25 and Page 7, Lines 1-4.

³⁹ *Id.*, 2nd Interview, Page 10, Lines 3-9, 25 and Page 11, Lines 1-4.

Officer Esparza-Ramirez recalled, *I go help my partner. I get ahold of the suspect's left arm. And when I get ahold of it with a "C" grip...simultaneously I flip him around... I didn't think it was safe, so I flip him around to not have -- to not give him any chance to either bite us or strike us with his -- with his head or even try to kick us. So we have him up against the wall, again, as a controlling agent. And my partner has control of his left arm. I now have control of his right arm.*⁴⁰

*I place my right knee on his upper back, like the middle of his upper back, to prevent any mobility... I had one knee on him, one leg on the ground, and I was holding myself onto the door. I didn't want to apply my full body pressure on him, because I didn't want to hurt him.*⁴¹

According to Officer Esparza-Ramirez, he attempted to gather information from Romero by asking his name. Romero did not respond and continued to try and get out of the chair. Officer Esparza-Ramirez used a firm grip and with his right hand on Romero's left shoulder and began dragging his left hand across his chest until his right hand was on Romero's right shoulder. Officer Esparza-Ramirez then placed his left hand on Romero's left shoulder to secure him and keep Romero from trying to get up.

Officer Esparza-Ramirez, *I placed both my hands on his shoulders, and I sat him down somewhat forcefully and it worked...So with my right hand, I put my right hand on his left shoulder. As I'm like going behind him, I'm dragging my left hand across his chest until my right arm -- my right hand is on his left -- his right shoulder. My other hand -- my left hand goes onto his left shoulder.*⁴²

*Officer Cruz gets ahold of his left arm. I get ahold of his right arm, and my partner the legs. We lift him up from the chair, and we carry him into the -- into the backseat of the black and white.*⁴³

According to Officer Esparza-Ramirez, he utilized his right forearm and applied pressure onto Romero's chest to keep him from sitting up and to keep him from hurting himself or banging his head as Officer Rareba was securing the hobble.

Officer Esparza-Ramirez recalled, *I applied pressure onto his chest to keep him from sitting up, keeping him from possibly, again, hurting himself, banging his head as my partner is securing the hobble.*⁴⁴

⁴⁰ Esparza-Ramirez, Page 9, Lines 19-20 ; Page 10, Lines 4-5 and Page 10, Lines 5-12.

⁴¹ *Id.*, Page 11, Lines 9-11, 19-22.

⁴² *Id.*, Page 15, Lines 1-2, 15-21.

⁴³ *Id.*, Page 16, Lines 13-16.

⁴⁴ *Id.*, Page 17, Lines 7-9.

Sergeant Gonzalez – Bodyweight and Firm Grip

According to Sergeant Gonzalez, he observed that the officers were struggling with Romero who was kicking around, giving him an advantage over the officers. While holding the 40mm LLL in his right hand, Sergeant Gonzalez placed his left boot on Romero's ankles and applied bodyweight to assist the officers in taking Romero into custody. Sergeant Gonzalez observed that his application of force was ineffective as Romero continued to kick. Sergeant Gonzalez bent down and placed bodyweight on Romero's ankles, placing Romero's ankles between Sergeant Gonzalez' knees. Sergeant Gonzalez then used his left hand to apply a firm grip to Romero's ankles to keep his ankles between Sergeant Gonzalez' knees.

Sergeant Gonzalez recalled, *And I observed that while they're still trying to get the cuffs on him, he's -- his legs are still kicking around and, in a way, kind of giving him an advantage over the officers. So at that point, I decide to get involved.*⁴⁵

*I used my left boot on either his left or his right foot. I saw that -- I noticed that that wasn't effective. So I actually got down to my knee, which is how I got this cuff [sic] on my left knee...My left knee went off just to the left of his foot so that it -- it wasn't directly on it...And then I kind of -- then I put my right knee on the other side of his other foot...I kind of wrap both of his ankles between both of my knees.*⁴⁶

*So I go ahead and I put some body weight and a firm grip on the suspect, on the subject's ankles.*⁴⁷

Officer Jenkins – Bodyweight

According to Officer Jenkins, he replaced Sergeant Gonzalez to allow Sergeant Gonzalez provide a supervisory role. Officer Jenkins applied bodyweight to Romero's calves by taking a kneeling position on his (Romero's) lower legs and used his shins across the back of both of Romero's calves.

Officer Jenkins recalled, *I applied body weight to the suspect's calves by taking a kneeling position on his lower legs, using my shins across the back of both of his calves. Once the hobble was applied and the suspect was handcuffed and taken into custody, I then stood up off the suspect and we talked -- I told officers, "Let's place him in the recovery position."*⁴⁸

⁴⁵ Sergeant Gonzalez, Page 8, Lines 1-5.

⁴⁶ *Id.*, Page 16, Lines 13-17; Page 18, Lines 15-17, 21-23 and Page 17, Lines 1-2.

⁴⁷ *Id.*, Page 8, Lines 9-10.

⁴⁸ Jenkins, Page 7, Lines 22-24; Page 8, Lines 24-25 and Page 9, Lines 1-2.

Officer Lucas – Firm Grip

According to Officer Lucas, he utilized a firm grip to Romero's right forearm to help get the right handcuff onto his wrist.

Officer Lucas recalled, *I ran over, applied a firm grip to his right forearm to help get the -- the right handcuff onto his wrist.*⁴⁹

Officer Cruz – Firm Grip

According to Officer Cruz, Romero continued his attempts to lunge away from the chair. Officer Cruz utilized a firm grip with his left hand on Romero's left shoulder to prevent his escape. When he realized it was not enough force to keep him in the chair, Officer Cruz utilized a firm grip with both hands-on Romero's shoulders.⁵⁰

Officer Cruz recalled, *...I was holding him with my right hand by his shoulder because he was leaning in forward trying to lunge...So I put my right hand on his shoulder in the beginning. I saw that that wasn't enough of a firm grip to hold him. So I put my left arm on his left shoulder as well, a firm grip in order to maintain his back against the back of the chair....I grabbed his left shoulder with my left arm with a firm grip. It wasn't violent in nature. I just held him so his back could stay onto the chair's back.*⁵¹

The UOFRB reviewed each application of non-lethal force utilized by Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas. Romero was the subject of a radio call which indicated that he had been armed with a knife. Once officers arrived at-scene, Romero refused to comply with officers' commands to submit to a detention, repeatedly put his hands into his pockets, and closed the distance to Officers Rareba and Esparza-Ramirez. The officers observed behaviors from Romero which indicated that he was possibly under the influence of narcotics, including Romero completely disrobing in the courtyard. Once officers were able to observe that Romero was not armed with any weapons, they attempted to detain him which resulted in applications of non-lethal force. Romero continuously violently resisted the initial responding officers, the first responding sergeant, and additional responding officers. Throughout the incident, the involved personnel utilized a minimum level of force. The UOFRB noted that the hospitalization of Romero which caused this incident to be reclassified to a CUOF was due to rhabdomyolysis and that Romero stated to FID investigators that he had

⁴⁹ Lucas, Page 6, Lines 24-25.

⁵⁰ During his FID interview, Officer Cruz reviewed his BWV and opined the video revealed that Officer Cruz was holding Romero's shoulder with his right hand because Romero was leaning in forward trying to lunge.

⁵¹ Cruz Page 10, Lines 15-17; Page 25, Lines 13-23 and Page 10, Lines 18-20.

consumed a large quantity of alcohol and used methamphetamine prior to the arrival of officers.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Romero's resistance.

Therefore, the Chief found Sergeant Gonzalez', as well as Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas' Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Additional/Required Equipment

- BWV Activation**

During the use of force, Officer Rareba's BWV camera fell to the ground and powered off. While the incident was still ongoing, Officer Rareba retrieved his BWV, powered it on, and reactivated it, resulting in a one second buffer.

During the initial use of force, Officer Esparza-Ramirez' BWV camera dislodged and fell on the ground. After affixing the BWV on his chest, Officer Esparza-Ramirez' BWV was unintentionally powered off while he was using both of his hands to carry Romero to the backseat of the police vehicle, as captured on BWV.

The investigation determined that Officer Lucas powered off his BWV while at the incident on two occasions and had two late activations of one minute, 15 seconds and another of seven seconds. Officer Gov powered off his BWV two times while at the incident and had one late activation of one minute, 25 seconds. Officer Pantoja-Gonzalez powered off his BWV one time at the incident and had a late activation of 17 seconds.

During the incident, Sergeant Gonzalez' BWV was activated after his arrival at scene. Sergeant Gonzalez was still within the BWV policy 90-day acclimation period during the time of the incident. Sergeant Ramos' BWV possibly malfunctioned causing a late activation.

Captain Tingirides was advised of the issues regarding the BWVs of the above mentioned personnel and conducted a thorough analysis. The analysis revealed that none of the involved personnel have a previous history of negative BWV incidents. Captain Tingirides addressed this issue through divisional training and a Supervisory Action Item (SAI) for Officers Rareba and Esparza-Ramirez. Captain Tingirides addressed the issue of powering off the BWV device by Officers Lucas, Gov, and Pantoja-Gonzalez with the issuance of a Notice To Correct Deficiencies (NTCD) and a Supervisory Action Item (SAI). The Commanding Officer of

Operations – South Bureau and the Director of the Office of Operations concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Southeast Division vehicles were equipped with DICVS at the time of the incident. The DICVS captured Romero being placed into the vehicle and seat belted by Officers Rareba and Esparza-Ramirez.
- **Body Worn Video (BWV)** – Southeast Division officers at scene were equipped with BWV at the time of the incident. Officers Rareba and Esparza-Ramirez' BWVs captured the initial contact with Romero until the point where Romero went to the ground and the officers' BWVs fell off. After the use of force, the BWVs were re-attached to their uniforms. Sergeant Gonzalez' and Officers Cruz, Jenkins, Lucas, Gov, Pantoja-Gonzalez, and Tahuite's BWVs captured a portion of Romero being taken into custody.

In order to enhance future performance, the Chief directed Information Technology Division (ITD) to conduct an assessment of options for mounting the BWV devices to officers' uniforms. ITD completed the procurement of an improved mounting system which is currently being evaluated by the Uniform and Equipment Committee.

In order to clarify Department policy regarding the use of the BWV, on January 17, 2020, the Chief distributed a Notice to all Department personnel reminding them of the requirement to leave the BWV device powered while deployed in the field.

- **Outside Video Surveillance** – Six surveillance cameras were at the location and captured portions of the incident. Surveillance footage showed Romero holding a knife in his left hand while standing in the kitchen.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- FID's investigation identified a number of irregularities regarding the operation and/or functioning of BWV by personnel who responded to this incident. These included late activation, premature deactivation, and a possible malfunction that reduced the amount of "buffered" video captured prior to activation. As reported by the Chief, the identified policy-compliance issues have been addressed with the involved personnel by the Southeast Area Commanding Officer. Additionally, as indicated in the Chief's report, the Chief has distributed a Notice to all Department personnel "reminding them of the requirement to leave the BWV device powered while deployed in the field."
- In addition to the BWV issues addressed in the Chief's report, the OIG noted that Officer Pantoja-Gonzalez did not activate his BWV while he was in the RA with Romero. According to Officer Pantoja-Gonzalez, "I didn't have it [BWV] activated to protect his information regarding HIPAA, you know, his privacy information. If a use of force or if something were to happen right there, then I would go ahead and activate it right away."⁵²

The OIG noted that there is no exception permitting the deactivation of BWV under these circumstances, as was asserted by Officer Pantoja-Gonzalez. Therefore, the OIG recommends that this matter be addressed with Officer Pantoja-Gonzalez.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

⁵² Pantoja-Gonzalez, Page 35, Lines 11-15.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Non-Lethal Use of Force

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "MPS".

MARK P. SMITH
Inspector General